

RICHARD BARRETT, CHAIR
IDAHO PERSONNEL COMMISSION
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IDAHO PERSONNEL COMMISSION

STATE OF IDAHO

| | | |
|-----------------------------|---|-----------------------|
| DANIEL KAUFOLD, |) | |
| |) | |
| Appellant, |) | IPC NO. 96-6 |
| |) | |
| vs. |) | DECISION AND ORDER ON |
| |) | PETITION FOR REVIEW |
| IDAHO PERSONNEL COMMISSION, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

On petition for review from the decision of the Hearing Officer, Kenneth G. Bergquist, presiding. Appellant-petitioner Dan Kaufold (Kaufold) represented himself. Respondent Idaho Personnel Commission (IPC) was represented by its counsel of record, Thorpe P. Orton, Deputy Attorney General, Boise, Idaho (on the brief).

Kaufold petitions for review from the decision of the Hearing Officer, entered November 7, 1996, granting the IPC's motion for summary judgment. The Commission previously granted the IPC's motion to vacate the oral argument in this matter and determine the petition on the briefs and record. Having reviewed the briefs, record and all pending motions, the Commission hereby orders as follows:

We hereby ADOPT and AFFIRM the hearing officer's order granting the IPC's motion for summary judgement. A copy of the Hearing Officer's decision is attached.

DATED this 24th day of February, 1997.

BY ORDER OF THE
IDAHO PERSONNEL COMMISSION

/s/ _____
Richard Barrett, Chair

/s/ _____
Sherry Dyer, Vice Chair

/s/ _____
Peter Boyd

/s/ _____
Ken Weineke

/s/ _____
Don Miller

STATEMENT OF APPEAL RIGHTS

Either party may appeal this decision to the District Court. A notice of appeal must be filed in the District Court within forty-two (42) days of the filing of this decision. I.C. § 67-5317(3). The District Court has the power to affirm, or set aside and remand the matter to the Commission upon the following grounds, and shall not set the same aside on any other grounds:

- (1) That the findings of fact are not based on any substantial, competent evidence;
- (2) That the commission has acted without jurisdiction or in excess of its powers;
- (3) That the findings of fact by the commission do not as a matter of law support the decision.

I.C. § 67-5318

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing DECISION AND ORDER DISMISSING APPEAL AND PETITION FOR REVIEW in *Kaufold v. Idaho Personnel Commission*, IPC No. 96-06, was delivered to the following parties by the method stated below on the 24th day of February, 1997.

FIRST CLASS MAIL

Dan Kaufold
7040 Ambleside Drive
Boise, ID 83709

STATEHOUSE MAIL

Thorpe P. Orton
Deputy Attorney General
Idaho Personnel Commission

/s/ _____
Val Rodriguez